Supreme Court, U.S.
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79-403

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1979

No.-1127

OWEN W. CRUMPACKER,

Petitioner,

v.

INDIANA SUPREME COURT
DISCIPLINARY COMMISSION
and SAUL I. RUMAN, COMPLAINANT,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF INDIANA (SEPARATE APPENDIX SUBMITTED)

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IN THE
SUPREME COURT OF THE UNITED STATES
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No. _____

OWEN W. CRUMPACKER,

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vs.

INDIANA SUPREME COURT DISCIPLINARY COMMISSION and SAUL I. RUMAN, COMPLAINANT,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF INDIANA

Petitioner, Owen W. Crumpacker, prays that a writ of certiorari be granted to review the judgment of the Supreme Court of Indiana entered in this case on November 29, 1978.

OPINIONS BELOW

The per curiam Opinion of the Supreme Court of Indiana is not reported officially, but is unofficially reported in the Northeastern Reporter. In the Matter of Owen W. Crumpacker, ___Ind.___; 383 N.E.2d 36 (1978). It is reprinted in the Appendix. The findings of fact, conclusions of law, and recommendations of the Indiana Supreme Court's Hearing Officer, Judge Bruce W. Douglas, filed on November 9, 1976, are not reported but are reprinted at pages A5 through A19 in the Appendix. The Indiana Supreme Court's Order of April 12, 1979, denying rehearing and reconsideration, also per curiam, Hon. Alfred J. Pivarnik not participating, is reprinted in the Appendix at page A1.

JURISDICTION

The final judgment of the Indiana Supreme Court permanently disbarring petitioner as a practicing lawyer was entered on November 29, 1978. A Motion for Rehearing and Reconsideration was overruled and denied on April 12, 1979. Petitioner's application for an extension of time was granted and the time for filing a petition for a writ of certiorari extended through and including September 9, 1979 (a Sunday).

This Court has jurisdiction under 28 U. S. C. § 1257(3).

QUESTIONS PRESENTED

1. Does the Federal Constitution shield the petitioner attorney against state disbarment (permanent) and incorporate due process, equal protection and other safeguards in the Constitution, Statutes, and Rules of the State?

2. Can the Supreme Court and Disciplinary Commission of Indiana lawfully ignore the exonoration of an attorney made by determination of the State hearing officer, the limits on review under the State's own Rules of Procedure, the record, proceedings favorable to the attorney, and, nevertheless, render disbarment (total) without notice and opportunity to petitioner (first) to be heard upon (such) order of disbarment?

3. Should the United States Supreme Court exercise review in certiorari upon disbarment by a State Court of attorney member of State, Federal District Courts, Court of Appeals, and the United States Supreme Court?

CONSTITUTIONAL PROVISIONS, STATUTES, AND COURT RULES INVOLVED

Amendment I to the Constitution of the United States provides in pertinent part as follows:

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Amendment XIV to the Constitution of the United States provides in pertinent part as follows:

> "Section 1.
>
> *
>
> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The Constitution of the State of Indiana, Article I, Bill of Rights, provides in pertinent part as follows:

> "Section 9. Free Speech and writing. No law shall be passed, restraining

> the free interchange of thought and opinion, or restricting the right to speak, write or print, freely, on any subject whatever: but for the abuse of that right, every person shall be responsible."
>
> "Section 10. The truth in libel. In all prosecutions for libel, the truth of the matters alleged to be libellous may be given in justification."
>
> "Section 11. Unreasonable search or seizure. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized."
>
> "Section 12. Courts open - Due course of law - Administration of Justice. All Courts shall be open; and every man, for injury done to him in his person, property, or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily, and without delay."
>
> "Section 13. Rights of accused. In all criminal prosecutions, the accused shall have the right to a public trial, by an impartial jury, in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet

the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor."

Burns Indiana Statutes Annotated, Code Edition, Court Rules, Book 2, Part VI, Rules for Admission to the Bar and the Discipline of Attorneys, Admission and Disciplinary Rule 23, Disciplinary Commission and Proceedings, provides in pertinent part as follows:

(The pertinent text is set forth in the Appendix at pages A78 through A84.)

STATEMENT OF THE CASE

Richard H. Grabham, Executive Secretary, Indiana Supreme Court Disciplinary Commission, on September 17, 1974, filed his Verified Complaint for Disciplinary Action pursuant to Supreme Court of Indiana A & D Rule 23, Section 12, in Twenty (20) Counts seeking an order that petitioner Owen W. Crumpacker, a practicing attorney, admitted to the bar of the Supreme Court of the State of Indiana on January 4, 1939, and actively engaged in the practice of law with offices in the City of Hammond, Lake County, Indiana, be disbarred or disciplined for

professional misconduct as specified in Counts I through XX of said complaint.

Prior to the institution of informal proceedings against him in the Supreme Court of Indiana in the form of an ex parte letter to the Chief Justice, dated January 27, 1972, by one Edmond J. Leeney, now deceased, petitioner had never been charged with misconduct of any kind, either by way of misdemeanor, felony, or otherwise, nor had any steps been instituted against him before any official or unofficial body charging him with unprofessional conduct.

The proceedings were instituted at the administrative level on September 25, 1973 by respondent Saul I. Ruman, a practicing attorney of Hammond, Indiana. Ruman filed a Verified Complaint (grievance) with the Disciplinary Commission pursuant to A & D Rule 23, Section 10. The complaint was prepared with the assistance of two Hammond attorneys, Kenneth D. Reed and Harold Abrahamson, associates and partners of petitioner, practicing with him prior to January 13, 1973, under the firm name and style of Crumpacker, Abrahamson & Reed. Between September 25, 1973, when respondent Ruman filed his verified complaint, and June 14, 1974, when the Disciplinary Commission resolved to proceed against petitioner on the Saul I. Ruman complaint, Reed and Abrahamson had been in private, secret communication

with the respondent Commission. Although petitioner responded to the complaint as required by A & D Rule 23, he was never interviewed or requested to furnish any evidentiary matter to the Commission or its representatives. Petitioner first learned that formal charges were made against him in the Supreme Court when the filing of the Verified Complaint in the Supreme Court was published in the Indianapolis Star and Gary Post-Tribune on September 18, 1974.

Between September 17, 1974 when the Disciplinary Commission filed its verified complaint, supra, and September 29, 1975 when the case was submitted for trial before Judge Bruce W. Douglas, extensive proceedings were conducted before the first Hearing Officer, Judge Allan Rasor of the Kosciusko Superior Court, whose written request to resign was granted by the Supreme Court on August 27, 1975.

The cause was submitted to Judge Bruce W. Douglas, as Hearing Officer, on the issues formed by the Amended Verified Complaint for Disciplinary Action filed on June 25, 1975, the petitioner's Verified First Defense (addressed to all Twenty (20) Counts of the charges set forth in the affidavit or indictment of the Disciplinary Commission), evidence heard on September 29, 30, October 1, 2, 3, 6, 7, 8 , 9, 10, 20, 21, 22, 23, 24, 28, and 29, November 5, 6, 7, 10, 11, 12

13, 18, 19, 20, and 21, and December 1, 2, and 3, 1975, and the cause continued for further proceedings by stipulation and agreement of the parties because of the pressure of local court business. At the instance of Judge Douglas petitioner was authorized to submit additional exhibits to the court, copies to respondents, who were given the right to object to their admissibility by mail.

Petitioner procured and paid for a duplicate of the court reporter's transcript on a daily copy basis, some 4700 pages in length, prepared copies of the thousands of pages of documentary exhibits, and, pursuant to the request of Judge Douglas, and, by agreement of the parties, petitioner and his lawyers, John Lyons and Richard A. Miller, prepared, served and filed extensive proposed findings of fact, with detailed record references to the testimony in the transcript and the documentary evidence supporting the proposed findings. In addition, petitioner and his counsel served and filed an extensive brief on the applicable law.

On November 9, 1976, Judge Douglas, the Hearing Officer, entered his findings of fact, conclusions of law, and recommendations. (All in petitioner's favor). Petitioner was found innocent on each of the 20 counts of alleged

professional misconduct made against him. (Appendix, pages A5 thru A19.)

The entry of the Clerk of the Supreme Court in Cause No. 974 S 187 under date of November 9, 1976, is as follows:

> "Defendants Exhibits "A" thru "ZZZ" (Box sealed, didn't open) Plaintiff Exhibits in a green box (Sealed; didn't open).
> Findings of Fact, Conclusions of Law, and Recommendations of Hearing Officer.
> Motions and Orders. Transcript in seven (7) Volumes.
> Plaintiff's Exhibits 31 thru 40.
> Correspondence and Pleadings previously filed."

On December 3, 1976 respondent Disciplinary Commission filed its petition for an extension of time in which to file its petition for review of the Hearing Officer's findings of fact, conclusions of law and recommendations. Respondent Saul I. Ruman filed a similar petition shortly thereafter, Between December 3, 1976 and January 23, 1978 when the Supreme Court entered an order granting petitioner leave to file extensive supplemental objections to the petitions to review (attaching copies of petitioner's first, second and third defenses to the same together with excerpts from the court reporter's transcript supporting the objections), petitioner and his counsel prepared, served and filed extensive briefs demonstrating, again with specific reference to the 4700 page transcript and the exhibits on file in the clerk's office, why the petitions for review should not be granted.

The Supreme Court never acted upon the respondent's petitions to review as required by A & D Rule 23, Section 15 (c) reading as follows:

> "(c) In the event that this Court grants a petition under this Section 15, briefs may be filed and oral arguments heard, as the Court shall determine. . . ."
> (Our emphasis)
>
> (Appendix, page A83)

Neither of the respondents challenged the Hearing Officer's findings in the manner required by the amendment to Section 15 (c) as adopted by the Supreme Court of Indiana on January 1, 1977. (See Appendix, page A84) No proceedings were held and had in the Supreme Court of Indiana after January 23, 1978 when petitioner's supplemental objections to the petition to review were filed and November 29, 1978 when the disbarment order (Disciplinary Action) was filed with the clerk. Petitioner had no notice of the intended action to be taken against him by the Supreme Court of Indiana nor was he afforded any hearing on the purported recitations of evidence and conclusions set out in the 27 page Disciplinary Action. Had petitioner been given an opportunity to be heard, he could have demonstrated that the so-called

recitation of evidence and purported facts were not true.

The Stages In The Proceedings Where The Federal Questions Sought To be Reviewed Were Raised And The Way In Which The Supreme Court of Indiana Passed Upon The Same.

Petitioner raised substantial federal questions, including due process and equal protection of the laws in a motion to dismiss filed on November 4, 1974. It was overruled in an order entered on November 14, 1974. On December 18, 1974, in his first verified defense, petitioner, again, raised the federal constitutional questions. (See Appendix, pages A85 Thru A112) The Supreme Court, in the Disciplinary Action filed on November 29, 1978, determined that the first affirmative defense "As it stands without specificity, does not present a issue for determination by this Court." (Appendix, pages A21 & A22). On February 10, 1979, petitioner raised, in detail, the substantial federal constitutional questions presented to this court, supra, in a motion for rehearing. (See Appendix pages A113 thru A115) The Indiana Supreme Court overruled and denied the motion in its order of April 12, 1979. (Appendix, Pages A1 & A2) The portions of the record relied upon are voluminous and are included and separately presented in the Appendix filed simultaneously with this petition.

REASONS FOR GRANTING THE WRIT

1. THE DECISION BELOW CONFLICTS WITH THE DECISIONS OF OTHER COURTS, OF THE INDIANA COURT ITSELF, OF DUE PROCESS, EQUALITY, AND RIGHTS OF THE ATTORNEY AS A CITIZEN.

The practice of law is accorded by the courts. It is not a matter of right of every citizen. However, once granted and exercised (as in this case for nearly 40 years) an attorney has the right of continuance of practice. It is subject only to termination by disbarment in an orderly and prescribed procedure; the (accused) attorney is clothed with due process, equality, common fairness, and other safeguards of our Constitution(s), Statute(s) and Rule(s), both Federal and State, the same as any other citizen. In the instant case, a close, complete and critical examination of the total record discloses that such safeguards have been denied. Thus, certiorari is petitioner's only means of relief.

Due process and equal protection under the Federal Constitution include the safeguards of the local law--and a citizen of Indiana obtains under Federal Court protection the safeguards of Indiana law.

In Indiana discipline is administered under rules adopted and provided by the Court, to afford

due process. The right of procedural due process, as applied to the states by the XIV Amendment of the Constitution of the United States, and as applied in Indiana under Article I, Section 12 of the State Constitution, and such Rules of Procedure , includes notice and the opportunity to be heard. The notice and opportunity to be heard (to safeguard the citizen), to be effective, should be accorded at every critical stage of the proceeding. This rule is well recognized by other courts; it apparently has here been ignored by the Indiana Supreme Court.

The Supreme Court of Indiana, by its own procedural rules previously adopted (See Admission and Disciplinary Rule 23, Section 14(d), Appendix page A82) has provided (in disciplinary proceedings) for a trial hearing before a trial hearing officer, and for review of findings adverse to the accused of such hearing officer (see Admission and Disciplinary Rule 23, Section 15(c), Appendix page A84). Under A & D Rule 23, Section 14(d) noted above, it appears that the duty of finding and determining misconduct on the part of the attorney is placed specifically and exclusively upon the hearing officer, and that if no misconduct is found and determined by the hearing officer against the accused attorney, then there is no matter for review; and that under its Rules (noted above) the Supreme Court of Indiana has limited further ac-

tions on its part in review to cases only where the hearing officer has (himself) first made a ruling and determination adverse to and against the accused attorney. Here, in the instant case, the Supreme Court of Indiana has ignored such rule and its limit.

To the best ability of petitioner, in his search of precedent, petitioner finds that in no similar proceeding has the Supreme Court of Indiana acted under its rules of review (as set forth in A & D Rule 23, Section 15 thereof) other than in accordance with the findings and report of such hearing officer (except to act more favorably to the accused). Nowhere has the Court previously found misconduct to be proved where no such finding was made by the hearing officer. In the instant case the Supreme Court of Indiana has now totally ignored the findings of fact, conclusions of law, and determination of its own trial hearing officer who found there was no proof of misconduct by petitioner herein. He exonerated the accused (petitioner). The action of the Supreme Court of Indiana thereafter apparently contravened its own rules.

Also, it appears the Indiana Court, on its own, acted and "reached out" (in some respect) without and outside the record (which it apparently did not use), and made different adverse findings,

independent and contrary to the findings of the hearing officer. (The office of the Clerk of the Supreme Court of Indiana evidences no transmission of the Record to the Supreme Court itself from the custody of the Clerk). It appears the Court made the determination privately and without record, to disbar the petitioner (by the Order of November 29, 1978). In consequence, due process previously accorded to petitioner was short-lived and not effective, to the protection of the petitioner on November 29, 1978.

The Supreme Court of Indiana here has ignored precedent and its own rules (e.g. procedure on review). It has denied due process and, as well, equal protection to the accused.

The Supreme Court of Indiana, in making such order of disbarment against the accused, has acted totally contrary to the determination of the trial hearing officer and without notice to the accused. Such order of disbarment was made without giving accused prior notice thereof, and no opportunity (then) to be heard upon and before such order was entered. The Supreme Court of Indiana in effect "critically" denied due process. It refused reconsideration arbitrarily.

Petitioner states that once the report of the hearing officer was made and received by the Supreme Court of Indiana favorable to the accused, the Court of Indiana could not lawfully then ignore

its own rules of review and due process thereon previously provided and equal protection to be afforded with respect to petitioner and such disciplinary proceedings. Also, in no event could the Court in such proceedings reach a conclusion and determination adverse to the accused and contrary to that reached by the hearing officer, without, in any event, further proceedings against the accused and notice first given and the opportunity to be heard (thereon).

If due process and equal protection under the Federal Constitution and as well the Indiana Constitution, Statutes and Rules is to be observed, all such was required.

From the above, it should appear that Question 1 (above) should be answered: "Yes", and Question 2 (above) answered: "No". Petitioner states that the safeguards required by law were denied, that the actions of the Supreme Court of Indiana are arbitrary and discriminatory, and that justice has not been done to petitioner. CERTIORARI SHOULD BE GRANTED.

2. THE ACTIONS BY THE SUPREME COURT OF INDIANA CAN BE REDRESSED ONLY BY CERTIORARI.

The 3rd Question (noted first hereinabove under Questions Presented) should be answered: "Yes". Certiorari should be granted.

Petitioner recognizes that except and unless a "Federal Question: is concerned and raised, and the action of the State Court thereon is in error, and the rights of a citizen are adversely affected, the actions of the State Court are final.

Here petitioner asserts that at all stages of the proceedings against him, he (petitioner) asserted and raised both formally (by timely motion) and informally, his constitutional rights as a citizen of the State of Indiana, and as well under the Constitution and laws of the United States of America, and each time his claim was denied.

The Supreme Court of the United States did little for years to provide relief against actions of a State Court relating to admission and disbarment from a State bar. (More) current decisions amply demonstrate, however, that there are lawful reasons under Federal principles why jurisdiction of the United States Supreme Court can and should attach, and the United States Supreme Court become involved in such a case. The United States Supreme Court has already done so in several instances, among which are:

In the Matter of John Ruffalo, Jr., Petitioner (1968), 390 U.S. 59, 88 S.Ct. 1222 (disbarment).

Schware, Petitioner, v. Board of Bar Examiners of the State of New Mexico (1957), 353 U.S. 232, 77 S.Ct. 352 (denial of admission).

Konigsburg, Petitioner v. The State Bar of California, et al. (1957), 353 U.S. 252 (denial of admission).

In some instances the United States Supreme Court has attached review upon a narrow technical point of law. More often the attention of the Court has been reached upon a full disclosure of the facts, which reveal "inherent" error and "manifest injustice", committed or tolerated by the State Courts which manifest denial of due process. Here, one should know that so far as the proceedings below are concerned, the petitioner (Crumpacker) was wholly exonerated and cleared of all charges made against him by the trial hearing officer appointed by the State Supreme Court of Indiana on all facts, and without limitation.

In effect, the accused (petitioner here) was wholly "Acquitted" by the "Trial Court". Yet, the petitioner, nevertheless, was thereafter permanently disbarred. This is a result which the Indiana Supreme Court could have reached, under the circumstances, only in the exercise of "arbitrary powers", not law.

A person has a right to be free from unauthorized actions of government officials which substantially impair his property interests, such as his livelihood. When governmental actions seriously injure an individual the reasonableness of that action depends upon the fact finding used to prove

the government's case, which must be disclosed so one has an opportunity to show it is not true. Rights of confrontation, cross-examination, and all such rights apply not only in criminal cases, but all types where administrative and regulatory actions are concerned. This protection was well stated in Greene vs. McElroy (1959), 360 U.S. 474, 79 S.Ct. 1400.

That the trial hearing officer found for the accused (attorney) upon all the charges made demonstrates and suggests that the actions of the accused attorney were not acts of misconduct. That complainants and others might argue otherwise is not sufficient for due process. The accused (attorney) is to know early, and before such acts are done, that they give grounds for a charge of misconduct. To raise such acts as misconduct after they are done and before the accused has reason to know that they will be treated thereafter as misconduct is not due process. The Supreme Court of the United States has already recognized this fact as evident from the Court's action in Ruffalo, Jr., (Supra) and In re Oliver (1948), 333 U.S. 257, 68 S.Ct. 499, 92 L.Ed. 682, which alone, and without recitation of others, strongly cites such prior knowledge as an essential of due process.

There is now involved the factual issue of the right of the petitioner to exercise his profession

and to continue his means of livelihood. An arbitrary denial of such right by the Supreme Court of Indiana clearly gives Constitutional grounds for the United States Supreme Court to act herein.

Should this Court now pass an opportunity for review, the Court may on its own be compounding an injury by its own inactions, the same as the Indiana Court has already caused injury to the petitioner by its arbitrary and unlawful action. In Powell v. Alabama (1932), 287 U.S. 45, 53 S.Ct. 55, 77 L.Ed. 158, 84 ALR 527, this Supreme Court noted that judicial inaction which fails to protect constitutional rights may be as serious as affirmative action which denies such rights.

Here, petitioner is a member of the Federal bar, and its component district and circuit court bars, as well as the Supreme Court of the United States. It is certain that at some time following this Court will be called upon to consider and rule upon a "Federal disbarment" of Crumpacker. The United States Supreme Court recognized a duty to the attorney in Selling, et al. v. Radford (1916), 242 U.S. 246, 37 S.Ct. 377, which, for reasons well noted therein, states that an opportunity for hearing to a member of the Bar of the Supreme Court of the United States should be afforded before the United States Supreme Court where disbarment in the United States Supreme Court is sought

on grounds of previous disbarment by a State Court, (suggesting that due process, once denied, ought not to be continued against challenge). Delay in such consideration of the rights of Crumpacker can serve only to his prejudice. Records may be lost; facts forgotten; death occur; and all later present and available is the bare record of the Order of the Indiana Supreme Court. Relief to Crumpacker at such later date will not be possible.

A close critical examination of the total record below discloses that the "misconduct" charged against the accused was discourtesy between counsel, and more properly a "dispute" of one kind or another which first was with his law office partners, and then which was enlarged and involved others. By acts and conduct of the parties concerned (the accused attorney and the other complainants) the disputes were enlarged to a claim of grievance. None of the acts and incidents should have been elevated to the level of a "grievance". Such, in effect, was the ruling of the trial hearing officer who wholly exonerated the petitioner against charges of professional misconduct.

Conduct which may be discourteous, noisome, or the like, even if disapproved by others, even a court, but which is absent of fraud and which does not evidence moral turpitude, which does not ob-

struct and hinder administration of justice, and truly does not reflect upon the courts and the bar, is not conduct fit for "professional grievance" for which the sanction of disbarment is to be layed upon the accused. This is how the trial hearing officer found and what he held upon the hearing. The petitioner now is not to be delivered to the "Tower" and "summarily executed", so far as his continued life as a practicing lawyer is concerned.

The Supreme Court of Indiana, for its own reasons, has exceeded its powers and its need. It has acted unlawfully. Petitioner should receive relief.

In legislative bodies, if orderliness of action need be preserved, "admonishment", even "censure", might at times be rendered. "Expulsion" occurs only in the harshest cases. The instant case in itself denies "equality" and "due process". Certiorari should be granted. To do otherwise is to ignore wholly and completely the "exoneration" of petitioner's conduct, as made by the State trial hearing officer, who was himself appointed by the Indiana Supreme Court as its representative officer.

The Supreme Court of Indiana should not deprive the petitioner of his standing before the courts. Certiorari should be granted.

CONCLUSION

For these reasons, a writ of certiorari should issue to review the judgment and opinion of the Supreme Court of the State of Indiana, made herein on November 29, 1978.

RESPECTFULLY SUBMITTED,

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IN THE

SUPREME COURT OF INDIANA

Filed
Nov. 29, 1978

IN THE MATTER OF)
OWEN W. CRUMPACKER) Cause No. 974 S 187

DISCIPLINARY ACTION

PER CURIAM

* * * * * * * *

In light of the above considerations, this Court is forced to conclude that the strongest sanction available under the Constitution of the State of Indiana must be imposed to preserve the integrity of the legal profession and to protect the public from future acts of misconduct as found in this case. It is therefore ordered that by reason of the misconduct found in this cause the Respondent be, and he hereby is, disbarred as an attorney in the State of Indiana.

Costs of these proceedings are assessed against the Respondent.

Pivarnik, J., not participating.

IN THE

SUPREME COURT OF INDIANA

Filed
April 12, 1979

IN THE MATTER OF)
)
OWEN W. CRUMPACKER)

Cause No. 974 S 187

ORDER DENYING MOTION FOR RELIEF

Comes now the Respondent and tenders for filing his motion for relief from and reconsideration of the disciplinary action entered on November 29, 1978.

And this Court, being duly advised, finds that the pleading should be accepted for filing, but further finds that the relief prayed for in this motion should not be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by this Court that "Respondent Owen W. Crumpacker's Motion for Relief from and Reconsideration of the Disciplinary Action Entered on November 29, 1978" is hereby DENIED.

DONE at Indianapolis, Indiana, this 12 day of April 1979.

/s/ Richard M. Givan
Richard M. Givan
Chief Justice of Indiana

All participating Justices concur.

Pivarnik, J., not participating